

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 343 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GELABHAI S SENMA & 6

Versus

DHANABHAI S SENMA & 2

Appearance:

MS KJ BRAHMBHATT for Plaintiffs-Petitioners

MR VC DESAI for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 20/11/98

ORAL JUDGEMENT

1. Heard the learned counsel for the parties and perused the judgment of the Courts below. Both the courts below recorded a concurrent finding of fact that the defendants-respondents are owner in possession and cultivating the disputed land.
2. Learned counsel for the petitioners contended that this finding of fact is not supported by any

material evidence. Learned trial court and first appellate court placed reliance on an unregistered document - sale deed of 1950. This contention is wholly devoid of any substance. On appreciation of evidence of the parties, this finding of fact has been recorded and at the most it can be said to be a case where this evidence has to be relied or not but when this evidence has been relied it cannot be said to be a ground for interference of this Court under section 115, C.P.C.. I do not find that the courts below have committed any material irregularity in exercise of jurisdiction in passing of the impugned orders, which calls for interference of this Court under section 115, C.P.C.

3. The civil revision application is dismissed with no order as to costs. Rule discharged. Interim relief which has been granted by this Court stands vacated.

zgs/-